



**SENATE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 733**

March 26, 1996 – Offered by COMMITTEE ON BUSINESS, ECONOMIC DEVELOPMENT AND URBAN AFFAIRS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after “establishments” insert: “and body piercing and  
3 body-piercing establishments”.

4 **2.** Page 1, line 4: delete “regulation of body piercing and body-piercing  
5 establishments,”.

6 **3.** Page 2, line 5: after “252.24,” insert “252.245”.

7 **4.** Page 3, line 1: delete the underscored material and substitute “, 252.24 (4)  
8 (a), 252.245 (9)”.

9 **5.** Page 3, line 20: delete “sub. (3m)” and substitute “s. 252.245”.

10 **6.** Page 3, line 21: delete the material beginning with that line and ending with  
11 page 6, line 10.

12 **7.** Page 6, line 15: delete lines 15 to 21.

13 **8.** Page 8, line 12: after that line insert:

14 “**SECTION 2r.** 252.245 of the statutes is created to read:

1           **252.245 Agent status for local health departments.** (1) In the  
2 administration and enforcement of ss. 252.23 and 252.24, the department may enter  
3 into a written agreement with a local health department with a jurisdictional area  
4 that has a population greater than 5,000, which designates the local health  
5 department as the department's agent in issuing licenses to and making  
6 investigations or inspections of tattooists and tattoo establishments and body  
7 piercers and body-piercing establishments. In a jurisdictional area of a local health  
8 department without agent status, the department of health and family services may  
9 issue licenses, collect license fees established by rule under ss. 252.23 (4) (a) and  
10 252.24 (4) (a) and make investigations or inspections of tattooists and tattoo  
11 establishments and body piercers and body-piercing establishments. If the  
12 department designates a local health department as its agent, the department or  
13 local health department may require no license for the same operations other than  
14 the license issued by the local health department under this subsection. If the  
15 designation is made and the services are furnished, the department shall reimburse  
16 the local health department furnishing the service at the rate of 80% of the net  
17 license fee per license per year issued in the jurisdictional area.

18           (2) A local health department designated as the department's agent under this  
19 section shall meet standards promulgated under ss. 252.23 (4) (a) and 252.24 (4) (a).  
20 The department shall annually evaluate the licensing, investigation and inspection  
21 program of each local health department granted agent status. If, at any time, a local  
22 health department designated as the department's agent fails to meet the standards,  
23 the department of health and family services may revoke its agent status.

1           **(3)** The department shall provide education and training to agents designated  
2 under this section to ensure uniformity in the enforcement of s. 252.23 or 252.24 and  
3 rules promulgated under s. 252.23 or 252.24

4           **(4)** Except as provided in sub. (4m), a local health department designated as  
5 the department's agent under this section shall establish and collect the license fee  
6 for each tattooist or tattoo establishment and for each body piercer or body-piercing  
7 establishment. The local health department may establish separate fees for  
8 preinspections of new tattoo or body-piercing establishments, for preinspections of  
9 existing establishments for which a person intends to be the new operator or for the  
10 issuance of duplicate licenses. No fee may exceed the local health department's  
11 reasonable costs of issuing licenses to, making investigations and inspections of, and  
12 providing education, training and technical assistance to the tattooists and tattoo  
13 establishments or body piercers and body-piercing establishments, plus the state fee  
14 established under sub. (9).

15           **(4m)** A local health department designated as the department's agent under  
16 this section may contract with the department of health and family services for the  
17 department of health and family services to collect fees and issue licenses under s.  
18 252.23 or 252.24. The department shall collect from the local health department the  
19 actual and reasonable cost of providing the services.

20           **(5)** If, under this section, a local health department becomes an agent or its  
21 agent status is discontinued during a licensee's license year, the department of  
22 health and family services and the local health department shall divide any license  
23 fee paid by the licensee for that license year according to the proportions of the license  
24 year occurring before and after the local health department is designated as an agent

1 or the agent status is discontinued. No additional fee may be required during the  
2 license year due to the change in agent status.

3 (6) A village, city or county may enact ordinances and a local board of health  
4 may adopt regulations regarding the licensees and premises for which the local  
5 health department is the designated agent under this section, which are stricter than  
6 s. 252.23 or 252.24 or rules promulgated by the department of health and family  
7 services under s. 252.23 or 252.24. No such provision may conflict with s. 252.23 or  
8 252.24 or with department rules.

9 (7) This section does not limit the authority of the department to inspect  
10 establishments in jurisdictional areas of local health departments that are  
11 designated as agents if it inspects in response to an emergency, for the purpose of  
12 monitoring and evaluating the local health department's licensing, inspection and  
13 enforcement program or at the request of the local health department.

14 (8) The department shall hold a hearing under ch. 227 if, in lieu of proceeding  
15 under ch. 68, any interested person in the jurisdictional area of a local health  
16 department that is designated as the department's agent under this section appeals  
17 to the department of health and family services alleging that a license fee for a  
18 tattooist or tattooist establishment or for a body piercer or body-piercing  
19 establishment exceeds the license issuer's reasonable costs of issuing licenses to,  
20 making investigations and inspections of, and providing education, training and  
21 technical assistance to the tattooist or tattooist establishment or to the body piercer  
22 or body-piercing establishment.

23 (9) The department shall promulgate rules establishing state fees for its costs  
24 related to setting standards under ss. 252.23 and 252.24 and monitoring and  
25 evaluating the activities of, and providing education and training to, agent local

1 health departments. Agent local health departments shall include the state fees in  
2 the license fees established under sub. (4), collect the state fees and reimburse the  
3 department for the state fees collected. For tattooists or tattoo establishments and  
4 for body piercers or body-piercing establishments, the state fee may not exceed 20%  
5 of the license fees established under s. 252.23 (4) (a) or 252.24 (4) (a).”.

6 **9.** Page 8, line 15: delete “and 252.24 (4)” and substitute “, 252.24 (4) and  
7 252.245 (9)”.

8

(END)